

NOV 30 2005

Docket No.: 4459-140

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Su TAO *et al.* : Confirmation No. 4798
U.S. Patent Application No. 10/791,896 : Group Art Unit: 2812
Filed: March 4, 2004 : Examiner:
For: SEMICONDUCTOR CHIP PACKAGE AND METHOD FOR MANUFACTURING
THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

By Official Action mailed *October 31, 2005*, restriction to one of the following inventions is required:

Group I: Claims 1-8 and 19-27, drawn to a chip package, classified in class 257, subclass 773.

Group II: Claims 9-18, drawn to a method for making a package, classified in class 438, subclass 106.

In response, Applicants hereby elect Group I.

Further, restriction to one of the following species of Invention I is required:

Species 1: Package wherein the central and peripheral substrates are disposed above the interconnection substrate and the chip - appears to read on claims 1-8.

Application No.: 10/791,896Docket No.: 4459-140

Species 2: Package wherein the central and peripheral substrates are disposed below the interconnection substrate and the chip - appears to read on claims 19-27.

In response, Applicants hereby elect Species 1.

Claims 1-8 are readable on the elected invention and species.

The *invention* election is made *with traverse* because the search and examination of the entire application can be made without serious burden. Inventions II and I are related as process of making and product made. In the relevant art, i.e., semiconductor device design and fabrication, references often describe both the semiconductor device's structure and manufacturing method, as will be apparent to the Examiner upon conducting a search for prior art. Therefore, both Inventions I and II can be covered in a single search. Accordingly, Applicants respectfully submit that the search and examination of the entire application can be made without serious burden on the Examiner.

The *species* election is made *with traverse* because the Examiner has failed to follow proper USPTO practice and procedure.

Every requirement to restrict has two aspects:

- (A) the reasons (as distinguished from the mere statement of conclusion) why the inventions as claimed are either independent or distinct; and
- (B) the reasons for insisting upon restriction therebetween. See MPEP, section 808 (emphasis added).

In this case, the Examiner has met none of the above requirements, simply alleging that

Application No.: 10/791,896Docket No.: 4459-140

the species 1 and 2 are patentably distinct without providing any reason for insisting upon restriction.

In view of the above, withdrawal of the Restriction Requirement and consideration of all claims pending in the instant application are believed appropriate and therefore courteously solicited.

Early examination on the merits is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
LOWE HAUPTMAN & BERNER, LLP

Benjamin J. Hauptman
Registration No. 29,310

USPTO Customer No. 22429
1700 Diagonal Road, Suite 310
Alexandria, VA 22314
(703) 684-1111 BJH/KL/kbl
(703) 518-5499 Facsimile
Date: November 30, 2005

CERTIFICATION OF FACSIMILE TRANSMISSION
I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED
TO THE PATENT AND TRADEMARK OFFICE ON THE DATE SHOWN BELOW

Kindra Bryant

TYPE OR PRINT NAME OF PERSON SIGNING CERTIFICATION

SIGNATURE

November 30, 2005
DATE

571-273-8300
FACSIMILE NUMBER